

DEF. DOC. #2771
(Corrected Copy)

Exh. No.

Translated by
Defense Language Branch

Opening Statement of MATSUI, Iwane.

President and Judges,

Gentlemen:

When the defendant MATSUI was a student of the Army Preparatory School, he was deeply impressed with the idea advocated by KAWAKAMI, Sōroku, the great senior of the Japanese army, that the "raison d'être" of the Japanese Army is to secure the peace of the Orient. Later on, he came to sympathize with the idea of the "principle of Greater Asia" propounded by SUN Wen, "Father of the State of China that Asiatic peoples must not, submit themselves to the "rule of might" (Hadō), and strive against each other but go hand in hand with friendly understanding, according to the "rule of justice" (ōdō), which is the time honored moral sense of the Orient. Thus he was putting his heart and soul into the establishment of cordial relations between Japan and China, and the resuscitation and prosperity of Asia. Thus he has been endeavouring to this day for the realization of that idea. He has never been a Cabinet member, nor has he ever taken any important post in general politics and military affairs.

Accordingly he has, of course, never planned or prepared any aggressive war, or carried it into practice as the Prosecution alleges. He has never taken part in any plan to commit nor committed any action contrary to international law, treaties, agreements or guarantees. He will testify, for convenience sake, according to the groups mentioned in the indictment.

The defendant MATSUI is charged with offenses ^{IN} 29 counts. In crimes against peace under Group One of the Indictment he will explain this deal within three parts.

I. With regard to counts 1 to 17 inclusive, there is absolutely no fact at all of his having planned and prepared a plan for an aggressive war, because the post the defendant occupied did not enable him to decide or participate in a decision of such an act nor had he any authority to commit such an act.

The Prosecution has tried to make the witness CHIN Te-chung testify that the movement of the Great Asia doctrine advocated by MATSUI was the offense stipulated in these counts. But the Great Asia doctrine advocated by MATSUI is the same in its principle with the Great Asia doctrine advocated by SUN Wen.

This is the principle of brotherhood of the East and the West; the principle of the co-existence in the world. It never meant an oriental Monroe doctrine or a "block principle". The idea of this doctrine does not necessarily intend to exclude any European or American people from various areas in Asia. On the contrary, it recognizes with respect the painstaking work of civilization achieved by the European and American peoples in Asia during the past century. Therefore, Europeans or Americans, who understand the civilization peculiar of Asia and desire to cooperate with us for the sake of the Asiatic races and their welfare, are our friends and colleagues. He will testify hereby that the movement conducted by him was but to elaborate on the views manifested in this doctrine of Great Asia. Accordingly he will make this clear beyond doubt by witnesses and exhibits that this doctrine was not advocated in order to plan and prepare for an aggressive war.

Furthermore it will be shown that the Chinese Great Asiatic Association which was created in China was not organized by such a process as mentioned in the testimony given by the witness CHIN.

Again the fact that the positions the defendant occupied were such that they did not allow him to participate in planning or preparing such a conspiracy as mentioned in the counts will be proven by witnesses. The Prosecution tried to prove that the defendant had deliberated at Berlin concerning the affairs of the Soviet Union.

On this point, although contrary evidence has already been produced by the witness HASHIMOTO, Kingoro, it is also intended that the substance of that meeting be proven clearly by testimony to be produced by the defendant himself, moreover, the fact will be made clear by witness that at that time he was relieved of the post of the Chief of the Second Section of the General Staff.

II. Concerning the matter of initiating aggressive war charged in counts 19, 25, and 26, the defendant MATSUI was not in a position or authorized to make any decision, nor to be consulted with, as a reserve officer or as a Cabinet Councillor, during the period of time mentioned in the counts.

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III. He is charged with the offense of waging war of aggression according to counts 27-32 and No. 34-36.

The defendant was called out of the reserve on August 14, 1937 and held the post of commander of either the Shanghai, Expeditionary Force or the central China Expeditionary Army until February of the following year of 1938. It was only a sequence of the Japanese system that he was called out by order from the reserve and took the post of a commander. Besides he was still ever desirous of a speedy termination of hostilities and endeavoured to seize every opportunity for peace between Japan and China. This fact will be testified to by witnesses.

Apart from the period aforementioned the defendant was simply an officer in the reserve list enjoying civilian life. So he had nothing to do with the matters mentioned in the Counts.

In the second group of the indictment--murder-- the defendant MATSUI is accused on the bases of the facts set forth in Counts No. 44, 45, 46, 47, 51 and 52.

MATSUI was the Commander-in-Chief of the SHANGHAI Expeditionary Army or the Central China Area Army from August, 1937 to February, 1938. During that period MATSUI had never

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taken part in any common plan to murder P.O.'s, enemy nationals and their people, nor did he give order and permissions to the Japanese Army, as described in the incident. On the contrary, as the commander MATSUI did his best to maintain and enforce military and moral discipline. He took every precaution to prevent violations and punished severely anybody who acted without regard to discipline. Furthermore, he stressed harmony and friendship between Japan and China which was his long-cherished idea; tried to minimize as much as possible damages caused by the hostilities, and gave orders to be decent to and protect the good people. The witnesses and evidences will verify his action. At the same time, that he also made every effort to protect the foreign interests and cultural establishments will also be proved. As for the protection of the so-called refugee district, any attack on this district was prohibited even before the capture of Nanking, not to mention of the fact that after the capture the district was guarded by the KEMPEI unit and the Japanese officers and men were strictly prohibited from entering the area. These facts will be clearly established. All our evidence will prove that no atrocities were carried out with the understanding and consent of MATSUI, as referred in the statement of Prosecutor Hsiang.

Our witnesses, who were actually on the job of guarding Nanking, will clarify the condition of guarding and the activities of the Japanese Army and the fact that there were, besides the casualties caused by fighting, no acts of atrocity as claimed ^{by} the Prosecution.

MATSUI was ill in bed at Soochow when Nanking fell on 13 December, 1937. He entered Nanking on 17 of the same month withdrawing from there on 21 of the same month, and returning to the headquarters in Shanghai. Thus, he stayed in Nanking only for five days. Furthermore, the authority of the Commander-in-Chief of the central China Area Army was to make plans of unified command regarding the operation, having actually no units under his direct command. The actual movements of the soldiers were controlled by the low-ranking commanders. All these facts were already testified by witness NAKAYAMA in the general phase.

That at the time of attacks on the cities of Kwantung and Hankao and in the regions of Khackhin-Gol and Lake Khason, MATSUI was already retired, was a civilian and was not in a position to carry out these attacks.

In the third group -- Conventional war crimes and crimes against humanity -- the defendant MATSUI is accused in every

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count. But, we maintain that in regard to the treatment of POWs and civilians, the defendant MATSUI was never in a position with authority to handle POWs.. He never authorized, permitted or gave order to violate the laws and customs of war, much less proposed to the Japanese Government, the suspension of preventing such violations.

Our witnesses will testify that, without authority to do anything with the treatment of POWs as mentioned above, MATSUI asked the authorized units under his command to care for and protect POWs and civilians during the period from August, 1937 to February, 1938, that is, when he was the Commander-in-Chief of the Shanghai Expeditionary Army and the Central China Area Army, and that this request of his was carried out,

In other periods, he was neither in a position able to make such request nor he was ever consulted or informed of their treatment.

In short, we will show that the defendant was never in such a position as to be able to plan, prepare and carry out an aggressive war throughout the whole period covered in the indictment; that he never acted for such purposes; that there exists no fact that he committed crimes of opening and carrying out an aggressive war; and that he was not involved in any murders, war crimes, or crimes against humanity.

松井石根自頭陳述

裁判長並に裁判員各位

被告松井は連年幼年学校に學びたる當時連年の大先聲川上操六が唱へたる日本軍の存在は東洋の平和確保にありとする思想に深く感銘し其の後中國の領土文の侵略したる大アジア主義の思想即ちアジア人は東洋百來の道徳たる王道に基き親和親睦すべく、王道に陥り相抗すべからずとする思想に共鳴し日支親善、アジアの共隆に心を傾注して之が實現に努力して現在に至つたのであります。彼は臺灣に列したこともなければ一般政治に又ば事實上重要な地位についたことはありません。従つて檢察側の主張する如き侵略戦争を計劃し準備し又は實行したることなきは勿論之に關し其間謀議をなしたることなくその他國際法條約協定及保證に違背する如き行動を取つたことは全くありません。それについて更直上次の通り起訴状の分類に従つて證明いたします。

被告松井は起訴状第一類平和に對する罪として二十項目に亘る訴因に對しき訴追せられて居ります。之を二部に分つて説明いたします。

第一類第一より第十七に亘る侵略戦争の共同謀議。計畫準備の事實は全然ないのであります。被告の在職したる地位はかゝる行為を爲すことを決定し又は決定に參照し得る地位でなく、かゝる行動を爲すべき權

第二
 檢察側はソ様に對する關係に於て被告が自林に於て謀殺を爲したる事實を立證せんとしたのであります。この點は既に證人橋本欣五郎の證言によつて反証せられて居ります。更に本人の證言によつてこの場合の實体を明らかに立證せらるることになつて居ります。尙當時被告は參謀本部第二部長の地位を充てられて居た事實は證人によつて明かにされます。所因第九、第二十五、第二十六による傳聞証言開始の事實に對しては明示せられたる期間に於ては被告松井は豫備役將校又は内閣參謀として何等の決定をなし得る權限ある地位になく何等の相談もなかつたのであります。この點については證人によつて明かにされるのであります。

限なきものでありました。

檢察側は、松井の主張を以て松井の本訴因による犯罪事實を立證せしめんとしたのであります。併し松井の主張したる大アジア主義は、係争の唱へたる大アジア主義と同一趣旨のものでして、東洋兄弟主義、世界共存主義であり、決して東洋モロイ主義でもなければゴロツク主義でもありません。又必ずしもアジアの各地より歐米人を排斥せんとするものではありません。過去一世紀歐米人のアジアに於ける文化的勢力に敬意を表するものであり、歐米人にしてアジア固有の文化を排しアジア民族の爲にアジアの幸福の爲に協力するものは、友であり同志であるといふ思想であり、之を敷衍せんとした運動であることを證據によつて證明せしめます。従つて何種侵襲戦争の振興計畫準備の爲に主張せられたるものにあらざること、證人及證人を以て明確に致します。

然して中に創立せられたる中興大アジア協會は、松井の證言の如き經過によりて創立せられたるものにあらざること、同時に證明せらるるであります。

其の他被告の在職したる地位に於ても、被告が訴因に掲げられたる如き謀略、計畫準備に参画したることなき事實を證人により立證されます。

第三、訴因第二十七より第三十二及第三十四より第三十六に亘り侵略戦争遂行の罪を訴追せられて居ります。被告は一九三七年八月十四日豫備役より召集せられて三八年二月迄上海派遣軍或は中支那方面軍の各司令官の地位にあつたのであります。それがそれは只日本の制度に従ひ召集令により豫備役中の身が司令官の地位につきたるにすぎず、然も常に戦争の急遽終結を念願し日支協和の契機を得んと努力したのであつて此の事實を証人により立證致します。

上議の判例の他は被告は一民間の急務員及び府役であつたにすぎず訴因事實に何等の關係もありませんでした。

起訴狀第二項「被告人」に於て被告松井は訴因第四四、四五、四六、四七、五一五二に記載せられたる事實に基き罪を問はれて居ります。

松井は一九三七年八月より三八年二月迄上海派遣軍又は中支那方面軍の司令官でありました。其の間松井は起訴狀の示すが如き停戦、散会、一役人の被害を共同謀害したることなく又日本軍に命令し、許可したことは絶對にありませんでした。却つて松井は司令官として軍紀風紀の維持正につき最善の努力を盡しあらゆる手段を講じて其違反を取り締り若し犯す者あらば最重に之を處罰し更に進んで永年抱負せる所信に従ひ日支の融和親善を説き戦局による被害をし

て可及即僅少ならしめんことに努力し且良民の宣明を命じたることを証人
及審議により立証致します。又外即益及文化進歩に對してはあらゆる努力を
用ひ之を保護したることも同時に立証されます。所謂民區の保護に對しては
南京占領前より之が攻奪を禁じありたるは勿論南京占領後に於ては警兵により
保護され將兵の立入が禁禁されてゐたことを明確に立証致します。向來警官の
ステートメントによつて言及せられたるが如く松井の完全なる了知及同意の下
に、而して現實に南京警備の任に就きたる夫々の證人によつて、其の状況日本
軍の行動を明確にし或る死傷の外に被害側の立証せるが如き許多の疑念を
行軍の存在せざりしことが次々と明かにせらるる筈であります。

松井は一九三七年十二月十三日南京陥落當時蘇州に病臥中なりしが同月十七日南京に入城し同月二十一日南京を退去し上海の司令部に歸つたのであり南京には五日間滞在したるのみであり然も中支那方面軍司令官は作戰に關しての統一指揮計畫を樹立する權限を有するのみで現實に直屬の部隊を有せず現實に將兵の行動は下級指揮官に依つて規制せらるゝものなりしことは既に一般段階に於て中山證人によつて證言せられましたので本段階に於ては重ねて立證致しません。

廣東市漢口市の攻撃ハルビンゴル地域ハルサン湖地域の攻撃の當時松井は退役後にして一民間人であつた時の出來事であり之を實行しうる何等の權限ある地位を有しなかつたことを主張するに止めます

起訴狀第三類「通例の戦争犯罪及人道に對する罪」については全部の訴因について被告松井はその罪を問はれて居ります、併し伴辱及一般人の取扱につきて被告松井は自らかゝる權限を有する地位にありたることをなく勿論被告松井は戦争法規及慣例違反の行爲を行ふことを命令、授權又は許可したることなく、況んや日本政府に對して違反行爲防止の停止を進言したるが如きことは斷じてないことを主張いたします

松井は伴辱又は一般人の取扱につきては既述の如く何等權限なきに拘らず一九三七年八月より翌三八年二月に至る間即ち上海派遣軍及中支那方

面軍の各司令官たりし期間に於ては彼等を宣撫愛護すべきことを隷下の
権限ある部隊に要請しその要請が實行せられたることを證人によつて證
明致します。
その他の期間に於ては被告はかゝる要請をも爲し得る地位になく又彼等
の取扱につき相談又は通知をうけたることさへも存在せず、何等聞知せ
ざるのであります。従つて檢察側もこの點に關しては被告松井に對する
犯罪の事實を立證してゐないことを申述べます。
要するに被告は起訴せられたる全期間を通じて侵略戦争を謀議し計畫準備
實行し得る地位にありたることなく又かゝる目的の爲に行動せず侵略戦
争の開始遂行之に伴ふ殺人戦争犯罪人道に對する罪を犯したる事實など
ことを立證致します。

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ERRATA SHEET

11/17/50

The following Correction should be made on the Defense Document No. 2771.

Page 1 -- last line

"military affairs"

should read

"military politics"

一	頁
九	行
又ハ事實上重要	誤
又ハ軍政上重要	正

正誤表

辯護側文書二七七一